

REMARKS

This Application has been carefully reviewed in light of the Final Action mailed November 8, 2005. In order to advance prosecution of the present Application, Claims 1-8 have been amended and Claims 17-20 have been added. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 17-20 stand objected to for a minor informality. Claims 17-20 have been amended to address the informality identified by the Examiner.

Claims 9-16 stand rejected under 35 U.S.C. §102(b) as being anticipated by Izawa, et al. Independent Claims 9-16 recite in general a frame comprising a first header section and a first payload section associated with the first header section, a second header section and a second payload section associated with the second header section, and a trailer section. By contrast, the Izawa, et al. patent merely shows that the header, payload, and trailer sections of an L3-PDU can be placed into the payload of multiple L2-PDUs. Thus, an individual L3-PDU encapsulates a single header section, a single payload section, and a trailer section. Similarly, an individual L2-PDU encapsulates a single header section, a single payload section, and a trailer section. Thus, the Izawa, et al. patent fails to disclose an individual packet data unit, either a L#-PDU or a L@-PDU, that encapsulates all of a first header section, a first payload section, a second header section, a second payload section, and a trailer section as required by the claimed invention. Therefore, Applicant respectfully submits that Claims 9-16 are not anticipated by the Izawa, et al. patent.

Applicant notes with appreciation the allowance of Claims 1-8.

Applicant notes with appreciation the allowability of Claims 17-20 if amended to address the minor informality identified by the Examiner. Claims 17-20 have been amended accordingly as discussed above. Therefore, Applicant respectfully submits that Claims 17-20 are in condition for allowance.

This Response to Examiner's Final Action is necessary to address the Examiner's characterization of the cited art in view of the claims. This Response to Examiner's Final Action could not have been presented earlier as the Examiner has only now provided the current characterization of the cited art to incorrectly support a rejection of the claims.

Applicant respectfully requests the Examiner to provide an indication that the documents cited in the Information Disclosure Statement of August 14, 2003 have been considered during the examination of this Application.

ATTORNEY DOCKET NO.
069116.0180
(PB 01 0044)

PATENT APPLICATION
09/935,780

15

CONCLUSION

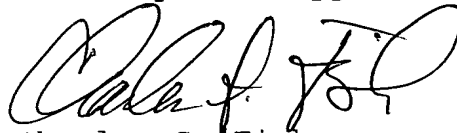
Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicants

A handwritten signature in dark ink, appearing to read 'Charles S. Fish', is written over the printed name.

Charles S. Fish

Reg. No. 35,870

January 6, 2006

CORRESPONDENCE ADDRESS:

2001 Ross Avenue, Suite 600

Dallas, TX 75201-2980

(214) 953-6507

Customer Number: 50627